



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,293	12/21/2001	Robert Palmquist	1011-001US01	8120

28863 7590 08/25/2005
SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL, MN 55125

EXAMINER

SPOONER, LAMONT M

ART UNIT PAPER NUMBER

2654

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/026,293	Applicant(s) PALMQUIST, ROBERT	
	Examiner Lamont M. Spooner	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-12,16,18,19,21,22,26-29 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4,6-12,16,18,19,21,22,26-29 and 31-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/28/05 have been fully considered but they are not persuasive.

In response to Applicant's remarks, p.10. "Nothing in Chong even suggests the use of an image capture device to capture an image ..." and "moreover nothing in Chong suggests the reception and display of the translation." and Chong lacks any suggestion of the use of wireless communication"

2. The Examiner cannot concur. Chong states, C.20.lines 15-19, 50-53-input in the form of graphics...captured, scanned, and/or converted to intermediary text for translation processing and then output in any desired form. Text input can also be scanned in from printed pages or from transmission via a fax/modem. The Examiner cannot distinguish, for example, a scanner from an image capture device, as they are one in the same. As stated in the previous action, "It is noted that Chong ... does not explicitly teach establishing a wireless connection with a network ... However, this feature is well known in the art as evidenced by Nguyen... abstract and at col. 6, lines 1-15). In response to applicant's arguments against the references individually, in reference to Applicant's wireless remarks directed to Chong, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to Applicant's arguments, p.11 "The Nguyen reference lacks any teaching that would have led a person of ordinary skill...to replace the facsimile transmission...with an image capture ..." and "noting in Nguyen suggests that the PDA can capture an image of text, ...". The Examiner notes upon close inspection of the previous rejection, Nguyen simply establishes, "a personal communication terminal (PCT) that can operate as standard wireless telephone or in integrated mode for fax at the abstract and at col. 6, lines 1-15", thereby modifying the transmission method of Chong, wherein the motivation and benefit is evident in providing a fax capable of transmitting and receiving wirelessly, as stated in the previous office action.

In response to Applicant's arguments, p.12, "Chong lacks any mention, whatsoever, of the simultaneous display of the un-translated image and the translation." The Examiner cannot concur. Chong teaches, C.19.lines 43-54-"replicating the original source language text and or alternate translation are provided, interpreted as simultaneous, ...output module" and C.19.line 55-C.20.line 4-his "fax transmission, and printed copy..."-Fig. 2 his output module and item B-several mediums upon which the translation is displayed, Fig. 3 section "F" as an example).

Claim Objections

3. Claim 39 is objected to because of the following informalities:

In claim 39, line 1, "the method" has antecedent issues, wherein claim 26 comprises a system. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 28 and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 28, page 5, "capturing a first image containing text in a first language with an image capture device; generating from the first image a second image containing the text in response to a command from a user, wherein generating the second image includes editing out one or more portions of the first image that do not include the text," is not taught in the disclosure. Wherein the text is the text of a first language, and the editing is based on portions of the first image that do not include the text.

More specifically the disclosure teaches, p. 6, lines 20-30, "The user may edit the captured image using an editing tool such as stylus 24. In some circumstances, an **image may include text that the user wants to translate and extraneous information.** The user may edit the captured image to preserve the text of interest and to remove extraneous material. The user may also edit the captured image to adjust factors such as the size of the image, contrast or brightness. Client translator controller 40 edits the image in response to the commands of the user and displays the edited image on display 34. Client translator controller 40 may receive and edit several images, displaying the images in response to the commands of the user." and page 7,

lines 17-27, "FIG 3 is an exemplary user interface on client device 30, such as display device 22, following capture of an image 60. image 60 includes text of interest 62 and other extraneous material 64, such as other text, a picture of a sign, and the environment around the sign. The extraneous material is not of immediate interest to the user, and may delay or interfere with the translation of text of interest 62. The user may edit image 60 to isolate text of interest 62 by, for example, tracing a loop 66 around text of interest 62. Client device 30 edits the image to show the selected text 62. FIG. 4 is an exemplary user interface on client device 30 following editing of image 60. Edited image 70 includes text of interest 62, without the extraneous material. Edited image 70 may also include an enlarged version of text of interest 62, and may have altered contrast or brightness to improve readability." and page 9, lines 29 and 30 "Image data from client side 12 may be edited prior to transmission to remove extraneous data."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-12, 16, 18, 19, 21, 22, 26-29, and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong (5,535,120) in view of Nguyen (5,797,089).

As per claim 1, Chong et al teach a method comprising (figures 1, 2 and 3):

Art Unit: 2654

capturing an image containing text in a first language (C.20.lines 14-18, C.20.lines 50-54-his scanned in text input as a captured image, the fax/scanner as a client device);

Transmitting the image containing text into the first language over the network (his telecommunication A comprising fax modem, his printed page, his network and his interactive, col. 6, lines 6, lines 32-47);

Receiving a translation of the text in a second language over the network (his machine translation 20, his output module 30 , col.5, line 61 to col. 6, line 14,) from a remote server so that the text can be translated by the remote server (C.9.lines 60-67-his Machine Translation Module and separate processing units as the separate device remotely located for translating text); and

displaying the translation of the text in the second language (C.19. lines 23, 24-his translation, C.19.line 55-C.20.line 4-his "fax transmission, and printed copy..." as an "for example" of display or output-Fig. 2 his output module and item B-several mediums upon which the translation is displayed, C.19.lines 60-62, for example, the fax/scanner as the client device).

It is noted that Chong et al teach the claimed invention but does not explicitly teach establishing a wireless connection with a network and receiving the translation via the network. However, this feature is well known in the art as evidenced by Nguyen who teaches a personal communication terminal (PCT) that can operate as standard wireless telephone or in integrated mode for fax et the abstract and at col. 6, lines 1-15). Therefore, one having ordinary skill in the art at the time the invention was made would

Art Unit: 2654

have found it to substitute the facsimile as taught Chong with the PCT as taught by Nguyen because it would provide a fax capable of transmitting and receiving wirelessly that could displayed both text and images.

As per claim 3, Chong et al teach further comprising displaying the image (col. 6, lines 32-55, his OCR- Nguyen figure 1).

As per claim 4, Chong et al teach displaying the image and displaying the translation of the text in the second language simultaneously lines 4) (col. 19, line 15 to col. 20 line 4, including, C.19.lines 43-54-"replicating the original source language text and or alternate translation are provided, interpreted as simultaneous, ...output module" Fig. 3 section "F" as an example, and C.19.line 55-C.20.line 4-his "fax transmission, and printed copy..."-Fig. 2 his output module and item B-several mediums upon which the translation is displayed).

As per claim 6, Chong et al teach wherein the first image containing first text, the method comprising Transmitting a second image containing second text in the first language over the network ; (his telecommunication link A); and

Receiving translation of the first text and the second text in the second text over the network (his machine translation 20 and his output module 30).

As per claim 7, Chong et al teach transmitting the first image and the second image over a network in response to a single command from a user (col. 6, lines 31-55).

As per claim 8, Chong et al teach displaying one of the translation or the first text and the translation of the second text in response to a command from a user (col. 19, lines 14-26).

As per claim 9, Chong et al teach compressing the image (col. 6, line 30-47).

As per claim 10, Chong et al teach receiving the image from an image capture device (col. 7, lines 4-20).

As per claim 11, Chong et al teach prompting a user to provide additional information comprising at least one of an account number, an identification of the first language, an identification of the second language, a dictionary and a server location (. col. 6, line 56 to col. 7, lines 3, col. 7, line 32 to col. 8, line 3)

As per claim 12, Chong et al teach one of a wireless telecommunication network, a cellular telephone network... and the Internet (figure 1).

As per claim 2, it is noted that Chong et al teach the claimed invention but does not explicitly teach receiving instructions to edit the image wherein transmitting the image comprises transmitting an edited version of the image. However, editing the image are well known in the art as evidenced by Nguyen who teaches at col. 5, lines 45, the PCT could be used to edit text, graphics and image and at col. 6, lines 25-34-his "automatically sent" as transmission. Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious transmit an edited version of the image as taught by Nguyen because it would provide an image that the recognizer is able to recognize with less degree of ambiguity and therefore would improve the translation process of the image.

Claims 28 and 33 set forth limitations similar to claims 1 and 2, and are thus rejected for the same reasons and under the same rationale. Nguyen further teaches

It is noted that Chong et al teach the claimed invention but does not explicitly teach capturing the first image, receiving instructions to edit the image and editing the first image to generate the second image, wherein generating the second image includes editing out one or more portions of the first image that do not include the text. However editing the image are well known in the art as evidenced by Nguyen who teaches at col. 5, lines 45, the PCT could be used to edit text, graphics and image and at col. 6, lines 25-34, wherein the Examiner interprets the edited text that remains to be preserved, and the edited portion that has been "edited out, does not include the text that remains. Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to capture and edit the image as taught by Nguyen because it would provide an image that the recognizer is able to recognize with less degree of ambiguity and therefore would improve the translation process of the image .

7. Claims 16, 18, 19, 21, 22 and 26-27, 29 and 31, 32, and 34-39 are the same in scope and content as claims 1- 12, 28 and 33 above and therefore are rejected under the same rationale.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/026,293

Page 11

Art Unit: 2654

lms

8/17/05

Vijay Chawan
VIJAY CHAWAN
PRIMARY EXAMINER